

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

vs.

CR. NO. 99CR00109-OO7 (HL)

JOSE VILLEGRAS-RUSSO

* * * * *

**MOTION NOTIFYING VIOLATION OF SUPERVISED RELEASE CONDITIONS
AND REQUESTING MODIFICATION OF CONDITIONS**

**TO THE HON. HECTOR M. LAFFITTE,
UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

**COMES NOW, CARLINA CORTES BAEZ, SENIOR UNITED STATES
PROBATION OFFICER** of this Honorable Court, presenting an official report upon the conduct and attitude of the offender, José Villegas-Russo, who on the 27th day of October 1999, was sentenced by Your Honor to serve a term of imprisonment of fifty-one (51) months to be followed by a term of supervised release of three (3) years for a violation of Title 18, United States Code, Sections 922 (a) (1)(A). On August 19, 2004, Mr. Villegas-Russo was released from custody to commence the imposed supervised release term. Besides the standard conditions of supervision, Mr. Villegas-Russo was ordered to refrain from any unlawful use of controlled substances, submit to urinalyses and participate in a drug treatment program if need. A special assessment in the amount of \$100.00 was also imposed.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

**1. VIOLATION OF STANDARD CONDITION: "THE DEFENDANT SHALL NOT
COMMIT ANOTHER FEDERAL, STATE OR LOCAL CRIME."**

On January 24, 2006, the offender called the Probation Officer to inform that on November

26, 2005, he was arrested and charged at the local level for possession of drugs and tampering with evidence. The offender reported that he was visiting his girlfriend in Santurce, PR, when he was unfairly arrested, because allegedly he was in possession of drugs. Reportedly, the Police Officer who intervened with him was harassing people and threatened him to arrest him if he did not give him money in advance. Since the offender refused to pay, he was arrested and charges were filed at the Superior Court of San Juan, PR. The offender stated that he was never in possession of drugs. On January 30, 2006, the charges filed against the offender were dismissed pursuant to Rule 247(a) of the Commonwealth of Puerto Rico Criminal Proceedings.

2. VIOLATION OF STANDARD CONDITION NO. 11 “YOU SHALL NOTIFY THE UNITED STATES PROBATION OFFICER WITHIN SEVENTY- TWO HOURS OF BEING ARRESTED AND/OR QUESTIONED BY A LAW ENFORCEMENT OFFICER”.

The offender failed to report his arrest of November 26, 2005, as required in his conditions. On January 24, 2006, the offender contacted the Probation Officer to notify the arrest and new criminal charges filed.

3. VIOLATION OF SPECIAL CONDITION - “YOU SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE AND SHALL SUBMIT TO DRUG TESTING WHENEVER REQUESTED BY THE PROBATION OFFICER.”

On April 4, 2006, the offender reported to the Probation Office for drug testing which yielded a positive result to *cocaine and opiates*. When confronted, the offender admitted the sporadic use of drugs. Reportedly, he relapse into the use of drugs when he is feeling depressed. The offender accepted to receive substance abuse counseling and will be referred to one of our contracted treatment programs.

Since the offender has admitted being in violation of his conditions of release, he voluntary

signed Probation Form 49- Waiver of Hearing to Modify Conditions of Supervised Release (herein attached) - agreeing to the modification of his conditions to reflect a search condition.

WHEREFORE, I declare under penalty of perjury, that the above mentioned in true and correct. In view that the offender violated his conditions of release, we respectfully request , that the Court issue a written reprimand to the offender and grant the Probation Officer's petition by modifying the conditions as mentioned in Probation Form 49. If he violates his conditions once again, the Probation Officer will recommend that he be brought before this Honorable Court to show cause why his supervised released term should not be revoked. Thereupon, that he to be dealt with pursuant to law

In San Juan, Puerto Rico, this 4th day of April 2006.

Respectfully submitted,

EUSTAQUIO BABELONIA, CHIEF
UNITED STATES PROBATION OFFICER

s/Carlina Cortés-Báez
Carlina Cortés-Báez
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CERTIFICATE OF SERVICE

I HEREBY certify that on April 4, 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Timothy Vazquez, Assistant U.S. Attorney and Edgar Betancourt-Aquino, Esq.

s/Carlina Cortés-Báez
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CCB/

